

Appl. No. 10/602,960
Amdt. Dated May 22, 2006
Reply to Office Action of February 21, 2006

• • R E M A R K S / A R G U M E N T S • •

The Office Action of February 21, 2006 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, independent claim 1 has been changed to recite that the panel-shaped assembly comprises a mixture of thermoplastic synthetic fibers, cellulose-based fibers and a super-absorbent polymer, which mixture is formed into partition walls that are configured to define a honeycomb construction.

This recitation is fully supported by applicants' original specification in the paragraph bridging pages 8 and 9, and is believed to more clearly describe applicants' invention.

In addition to this change, the claims have been edited to correct matters of form, grammar, syntax and to otherwise better comply with the requirements of 35 U.S.C. §112.

Entry of the changes to the claims is respectfully requested.

Claims 1-12 are pending in this application.

Claims 9-12 are directed to a non-elected invention and have been withdrawn. The undersigned hereby authorizes the Examiner to cancel claims 9-12 upon the allowance of the present application in favor of a divisional application that applicants can file during the pendency of the present application.

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Claims 1, 2, 4, 7 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,643,238 to Baker.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Baker in view of U.S. Patent Application Publication No. 2003/0104748 to Brown et al.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Baker in view of Brown et al.

On page 3 of the Office Action the Examiner has objected to claim 3 as being dependent upon a rejected base claim, but has otherwise indicated that claim 3 is directed to allowable subject matter and would be allowed if rewritten in independent form.

For the reasons set forth below it is submitted that all of the pending claims are allowable over the prior art of record and therefore, each of the outstanding rejections of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Baker as disclosing:

...an absorbent core structure comprising an outer layer 12, a moisture-pervious inner layer 14, and a moisture-absorbent core sandwiched between the layer 12 and 14 (col. 3, lines 33-50).

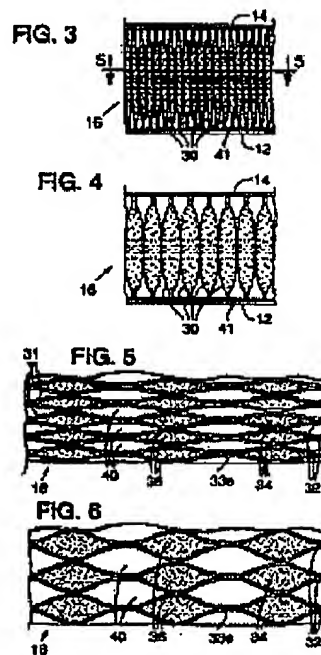
The Examiner states that:

Baker also discloses that the moisture-absorbent core comprising storage cells and acquisition cells in a honeycomb-like configuration (abstract). The core comprises thermoplastic synthetic fibers, super-absorbent polymer particles, and fluff pulp (see col. 5, lines 10-67 and col. 6, lines 1-40) and has a plurality of through-holes (See Figs 3-6). The through-holes extend parallel to one another in a direction parallel to the upper and lower layers, each of the through-holes having a cross-sectional

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dimension is considered larger than any interstices that may have in the thermoplastic synthetic fibers (col. 7, lines 55-67 and Figs. 3-6). The moisture-absorbent core can be kept in a state compressed in the thickness direction with the through-holes being flattened and can also be elastically swollen in the thickness direction so that the flattened through-hole are restored to the initial cross-sectional shape as the super-absorbent polymer absorbs water and be swollen.

Figures 3-6 of Baker show structures as follows:



The Examiner has referred to column 5, lines 10-67 of Baker as teaching that the “core comprises thermoplastic synthetic fibers, super-absorbent polymer particles, and fluff pulp.”

As taught by Baker at column 5, lines 10-67 the strips 31 and 32 of a non-woven liquid-pervious sheet material are bonded together to form “multiple storage cells 36” (See Figs. 5 and 6 above) which storage cells are filled with superabsorbent material.

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As stated by Baker at column 5, lines 52-60:

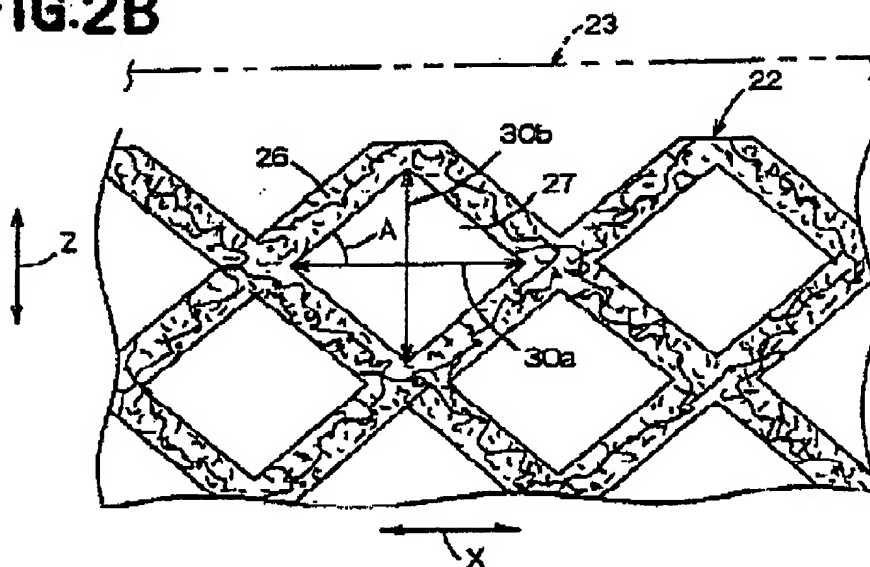
The storage cells 36 thus formed can be generally square or rectangular in shape (FIGS. 2C-2D), each storage cell being analogous to a ravioli having a partial "filling" of superabsorbent material. Each storage cell 36 is discrete, i.e., the contents of each storage cell are separated from the contents of all other storage cells and from the contents, if any, of acquisition cells 40 (described below), even though storage and acquisition cells are in liquid contact with each other.

Whereas in Baker the storage cells defined by the strips 31 and 32 are filled with a superabsorbent material, in the present invention, the honeycomb structure itself is formed from the thermoplastic synthetic fibers, cellulose-based fibers and super-absorbent polymer.

Such a structure is not taught by Baker or otherwise suggested by Baker.

For the Examiner's convenience, applicants' Fig. 2B is reproduced as follows:

FIG.2B



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The Examiner will note that reference numeral 26 in Fig. 2B identifies the partition walls which are formed from the "assembly of the thermoplastic synthetic fibers 4, the polymer particles 6 and the fluff pulp 7" as disclosed on page 8 of applicants' specification.

In applicants' invention it is the partition walls (i.e. the assembly of the thermoplastic synthetic fibers 4, the polymer particles 6 and the fluff pulp 7) that define the honeycomb structure.

It is accordingly submitted that Baker does not anticipate applicants' invention.

The Examiner has relied upon Brown et al. as teaching the use of crimped type polymer.

The Examiner's further reliance upon Brown et al. does not address or overcome the differences between applicants' claimed invention and Baker as discussed above.

Accordingly, the combination of Baker and Brown et al. does not render applicants' claimed invention obvious.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

Moreover, the Examiner cannot properly rely upon the prior art as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicants' claimed invention

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

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It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejections of the claims should hence be withdrawn.

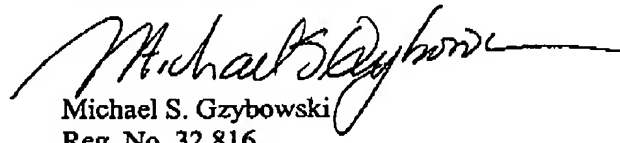
Therefore, reconsideration and withdrawal of the outstanding rejections of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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